

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER M. STARR,

Plaintiff,

Case No. 1:22-cv-106

v.

Honorable Ray Kent

E. COE HILL et al.,

Defendants.

ORDER TO FILE AMENDED COMPLAINT

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. All civil rights complaints brought by prisoners must be submitted on the form provided by this Court. *See* W.D. Mich. LCivR 5.6(a). Plaintiff is currently incarcerated at the Lakeland Correctional Facility in Coldwater, Branch County, Michigan, and the events of which he complains occurred there. Plaintiff sues Warden Bryan Morrison, Health Unit Manager Nathan Mikel, Doctor Margaret Quellele, and Medical Providers E. Coe Hill and Susan Groff.

Plaintiff indicates that he is “presenting a factual claim in [layman’s] writings identifying all that is sufficiently harmful and causes of irreparable harm upon his physical and mental well-being.” (ECF No. 1, PageID.3.) Plaintiff suggests that he has been denied “emergent care that [is] now stages of urgent care outside routine care.” (*Id.*) Plaintiff avers that Defendants’ negligence has caused him severe emotional distress and physical irreparable damages. (*Id.*) Plaintiff states that “dates and events are all ongoing since 2010 and exhausting date January 2022 of January 10th.” (*Id.*, PageID.4.) He asserts that “stating outside any conclusory arguments to be formatted within a brief in support of complaint.” (*Id.*) Plaintiff states that he suffers from

Bell's palsy, a bulging disc, bone spurs, back spasms, degenerative spinal deformity, and a knee deformity. (*Id.*) He seeks injunctive relief, as well as \$5 million in damages. (*Id.*, PageID.5.) Plaintiff has attached the following exhibits to his complaint: (1) a completed Bureau of Professional Licensing Allegation Form; (2) lab results from April 19, 2020, indicating that Plaintiff had tested positive for COVID-19; (3) a healthcare kite from January 22, 2022, in which Plaintiff asked for a list of his co-morbidities; and (4) a completed Legislative Corrections Ombudsman complaint.

A "pleading that states a claim for relief must contain," among other things, "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). As the United States Court of Appeals for the Sixth Circuit recently noted, "[e]ach allegation must be simple, concise, and direct." *Kensu v. Corizon Inc.*, 5 F.4th 646, 649 (6th Cir. 2021). Plaintiff's complaint, as pleaded, states no specific factual allegations against Defendants and, therefore, is insufficient to state a claim against them. Plaintiff provides no facts suggesting how Defendants were actively involved in the presumed denial of adequate medical care. The Court, however, will grant Plaintiff leave to file an amended complaint to correct this deficiency.

The Court directs the Clerk to send to Plaintiff a copy of the form complaint under 42 U.S.C. § 1983 for a civil action by a person in state custody. Plaintiff shall submit an amended complaint by filing his complaint on the requisite form within twenty-eight (28) days from the date of entry of this order. The amended complaint will take the place of the original complaint, so it must include all of the Defendants that Plaintiff intends to sue and all of the claims that Plaintiff intends to raise. Plaintiff must allege, in chronological order, what each Defendant did or did not do on each date.

Plaintiff need not re-submit supporting exhibits filed with the original complaint. The case number shown above must appear on the front page of the amended complaint. If Plaintiff fails to submit an amended complaint in proper form within the time allowed, the Court may dismiss the complaint without prejudice.

IT IS SO ORDERED.

Dated: February 11, 2022

/s/ Ray Kent
United States Magistrate Judge